

<p>Stephanie S. Lim, Esq. KELLNER HERLIHY GETTY & FRIEDMAN, LLP <i>Counsel for Constantino Sagonas,</i> <i>as Temporary Receiver</i> 470 Park Avenue South, 7th Floor New York, New York 10016-6819 Telephone: (212) 889-2121 ssl@khgflaw.com</p>	<p>Hearing Date and Time: June 28, 2021 at 10:00 a.m.</p> <p>Objection Deadline: June 21, 2021</p>
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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

96 WYTHE ACQUISITION LLC, LLC

Case No. 21-22108

Chapter 11

Debtor.

**NOTICE OF MOTION, PURSUANT TO 11 U.S.C. § 543, FOR AN ORDER
APPROVING TEMPORARY RECEIVER CONSTANTINO SAGONAS' FINAL
ACCOUNTING; (ii) APPROVING THE RECEIVER'S FEE; (iii) DIRECTING
PAYMENT OF THE OUTSTANDING RECEIVER FEE BALANCE OF \$40,000.00;
(iv) APPROVING THE RECEIVER'S ATTORNEYS FEES, AND (v)
DISCHARGING THE RECEIVER'S BOND**

PLEASE TAKE NOTICE that, upon the annexed motion ("Motion") of Constantino Sagonas, as Temporary Receiver, by his attorneys, Kellner Herlihy Getty & Friedman LLP, a hearing will be held before the Honorable Robert D. Drain, United States Bankruptcy Judge, at the United States Bankruptcy Court, Southern District of New York, 300 Quarropas Street, White Plains, New York 10601, on June 28, 2021 at 10:00 a.m. (the "Hearing"), or as soon thereafter as counsel may be heard, for an Order:

- A. Pursuant to 11 U.S.C. § 543(b):
 - i. Approving the Receiver, Constantino Sagonas' Final Accounting; and
 - ii. Discharging and canceling the Receiver's surety and bond.
- B. Pursuant to 11 U.S.C. § 543(c)(2):
 - i. Approving the Receiver's fee at \$10,000.00 per month and providing for and directing the immediate payment of the amount

of \$ 40,000.00 for the services rendered by the Receiver; and

- ii. Approving the Receiver's attorneys fees.

- C. Pursuant to 11 U.S.C. 362(d), lifting the automatic stay to the extent necessary to file any order granting this motion in the New York State Courts and/or to effectuate the relief sought herein; and
- D. For such other relief that the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief sought in the Motion, must be in writing setting forth the facts and authorities upon which an objection is based, filed with the Clerk of the Court, United States Bankruptcy Court, 300 Quarropas Street, White Plains, New York 10601, with a copy to Chambers, provided, however, that pursuant to general order No. M-399 re Electronic Case Filing Procedures (as amended from time to time), entities with Internet access shall file objections (formatted with Adobe Acrobat file format) at <http://www.nysb.uscourts.gov>, and served so as to be received by the attorneys for the Receiver, Constantino Sagonas, Kellner Herlihy Getty & Friedman, LLP, 470 Park Avenue South—Seventh Floor, New York, New York 10016, and the Office of the United States Trustee, U.S. Federal Office Building, 201 Varick Street, Suite 1006 New York, New York 10014, attn: Shara Claire Cornell, no later than seven (7) days prior to the Hearing Date.

PLEASE TAKE FURTHER NOTICE that the Hearing may be adjourned from time to time without further notice except by announcement of such adjournment in open court on the date scheduled for the Hearing.

Dated: New York, New York
April 22, 2021

Respectfully submitted,

KELLNER HERLIHY GETTY & FRIEDMAN, LLP
Attorneys for Constantino Sagonas, as Temporary Receiver

By: 

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